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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,157	01/26/2001	Adrian P. Wise	100412(EP)USCD1X1C1D1 PDD	8565
22887	7590	06/20/2007	EXAMINER	
DISCOVISION ASSOCIATES			NGUYEN, DUSTIN	
2265 E. 220TH STREET			ART UNIT	PAPER NUMBER
LONG BEACH, CA 90810			2154	
			MAIL DATE	DELIVERY MODE
			06/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/770,157

Applicant(s)

WISE ET AL.

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 05/14/07.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-29 are presented for consideration.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It is claiming the domestic priority of application 08/382952 which is not the same application as mentioned in the disclosure as 08/382958 (Amendment filed on 05/14/2007).

Specification

3. Examiner requests Applicants to update the status of any related applications as mentioned in the specification [paragraph 1, and amended in amendment filed on 05/14/2007].
4. Examiner requests Applicants to point out where in the specification that provides detail support for the claim invention since the specification content is largely described.

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5. The abstract of the disclosure is objected to because the abstract is the same for other copending applications and also missing period at the end of the abstract. Correction is required.

See MPEP § 608.01(b).

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

7. The disclosure is objected to because of the following informalities:

I. Page number errors:

a. pages 16a-16l, pages 24a, 24b

II. Specification errors:

a. Figures 3a(1), 3a(2) - page 17

b. bad typing - pages 36-50

III. Table error:

a. bad typing - table A.11, A.14, A.17.

Appropriate correction is required.

Information Disclosure Statement

8. Examiner requests Applicants to resubmit Foreign Patent or Published Foreign Patent Application and Other Documents as mentioned in the IDS filed on 05/14/2007 to be considered.

Double Patenting

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. Claims 1-29 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of patent No. 5978592 [hereinafter '592 patent]. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons:

As per claims 1-13 of the instant application, the '592 patent contains the subject matter claimed in the instant application. Both are claiming common subject matter, as follows:

An apparatus for decompressing video data, comprising:

a start code detector ...; and

a pipeline having stages

The claims of '592 patent does not specifically have a method step in the same order as described in the claims 1-13 of instant application but it would have been obvious to a person

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skill in the art to recognize that the two claims are similar because doing so would enable the system to decode different standards as set forth in '592 patent.

11. As per claims 14-29 of the instant application, they contain similar subject matter as claims 13-31 of '592 patent. Accordingly, they are provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms lack antecedent basis:

- | | | | |
|------|------------------------|---|----------|
| I. | the data tokens | - | claim 1 |
| II. | the format | - | claim 2 |
| III. | the consecutive stages | - | claim 7. |

Claim Rejections - 35 USC § 102

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14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 1-5, 7, 8, 10, 12-15, 17-20, 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Gonzales et al. [US Patent No 5289577].

16. As per claim 1, Gonzales discloses the invention as claimed including an apparatus for decompressing video data, comprising:

a start code detector to convert a portion of a stream of video data into a stream of data tokens in response to detecting a start code sequence in said stream of video data [Figure 3A; col 8, lines 47-67; and col 10, lines 61-col 11, lines 5]; and

a pipeline having stages [12, Figure 1] and being capable of decoding video data [col 2, lines 61-65], the start code detector being coupled to send the data tokens to the pipeline [col 6, lines 52-67].

17. As per claim 2, Gonzales discloses a plurality of the stages of said pipeline have operating modes responsive to the format of said tokens [col 13, lines 1-26].

18. As per claim 3, Gonzales discloses an inserter of search mode tokens to transmit search mode tokens into the stream of video data [col 11, lines 25-41].

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19. As per claim 4, Gonzales discloses the start code detector is capable of searching for video start codes complying with different formats [col 9, lines 40-col 10, lines 11].

20. As per claim 5, Gonzales discloses formats complying with at least two of the video standards selected from the group consisting of JPEG [col 7, lines 26-36], MPEG [col 13, lines 34-49], and H.261.

21. As per claim 7, Gonzales discloses two-wire interfaces coupling the consecutive stages of the pipeline [16a, 16b, Figure 1].

22. As per claim 8, Gonzales discloses the two-wire interfaces transmit data valid and data acceptance signals [col 5, lines 5-50].

23. As per claim 10, Gonzales discloses a portion of the stages of the pipeline reconfigure themselves to process data in response to receiving predetermined types of tokens [col 13, lines 4-15].

24. As per claim 12, Gonzales discloses the start code detector is a hardware device [col 9, lines 55-59].

25. As per claim 13, Gonzales discloses

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a Huffman decoder coupled to receive data from the start code detector [col 7, lines 45-55];

a token formatter coupled to data from the Huffman decoder [col 7, lines 37-45];

an inverse modeler coupled to receive data from the token formatter [Figure 5]; and

an inverse quantizer coupled to receive data from the inverse modeler [Figure 5].

26. As per claim 14, it is method claimed of claims 11-4, it is rejected for similar reasons as stated in claims 1-4.

27. As per claim 15, Gonzales discloses

making a random access into the data stream to receive the portion of the video stream [col 12, lines 14-16]; and

wherein the search mode token is inserted in response to making the random access [col 12, lines 17-35].

28. As per claim 17, it is method claimed of claim 10, it is rejected for similar reason as stated above in claim 10.

29. As per claim 18, it is method claimed of claim 5, it is rejected for similar reason as stated above in claim 5.

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30. As per claim 19, 20, 22 and 23, they are rejected for similar reasons as stated above in claims 14, 15, 17 and 18 respectively.

31. As per claim 24, Gonzales discloses a semiconductor substrate, the pipeline, means for inserting and start code detector being located on the substrate [memory] [Abstract].

32. As per claims 25-29, they are rejected for similar reasons as stated above in claims 1-5 and 12.

Claim Rejections - 35 USC § 103

33. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

34. Claims 6, 9, 11, 16 and 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzales et al. [US Patent No 5289577], in view of Normile et al. [US Patent No 5461679].

35. As per claim 6, Gonzales does not specifically disclose the start code detector ignores video data until a video start code is found in response to receiving one of the search mode tokens. Normile discloses the start code detector ignores video data until a video start code is

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found in response to receiving one of the search mode tokens [col 13, lines 47-col 14, lines 9; and col 16, lines 29-32]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Gonzales and Normile because Normile's teaching of start code detector would provide a method to allow compressed moving video images to be decompressed and displayed in real time [Normile, col 7, lines 35-37].

36. As per claim 9, Normile discloses the start code detector is adapted to introduce new tokens into the stream of video data at detected start code sequences [col 13, lines 47-col 14, lines 9; and col 16, lines 26-29].

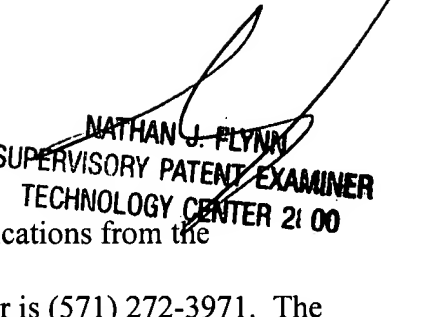
37. As per claim 11, Normile discloses the start code detector introduces picture end tokens into the stream of video data [col 8, lines 4-24].

38. As per claims 16 and 21, Gonzales does not specifically disclose the random access results from one of an error and a channel switch. Normile discloses the random access results from one of an error and a channel switch [col 13, lines 27-47]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Gonzales and Normile because Normile's teaching of random access would provide data integrity in communication network.

39. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

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Conclusion



NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Flynn Nathan can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dustin Nguyen
Examiner
Art Unit 2154


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